

REMARKS

This paper is submitted in reply to the Office Action dated February 15, 2006, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claims 12-13 and 18 were rejected under 35 U.S.C. § 112 second paragraph, and claims 32 and 34 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-4, 6-9, 12-14, 16-26 and 29-35 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0091391 to Burton et al. (Burton). Additionally, claims 5 and 22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Burton, and claims 10-11, 15 and 27-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Burton in view of U.S. Patent No. 5,937,414 to Souder et al. (Souder).

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained. Applicants have amended claims 12, 18 and 31-35 to address the §112 and §101 rejections in deference to the Examiner and to further put the claims in condition for allowance. Of note, claim 13 was not amended because antecedent basis exists in the preamble of claim 1, from which claim 13 depends. Applicants respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

Now turning to the art-based rejections of the Office Action, Applicants note that all pending claims are rejected at least in part on the Burton reference, which has an earliest effective filing date of October 28, 2003. Applicants respectfully submit, however, that the Burton reference is not prior art under 35 U.S.C. §102(e) (or any other section of 35 U.S.C. §102) because it was not filed in the United States before Applicants' date of invention. That is, Applicants' date of invention was prior to October 28, 2003. In support of Applicants' prior date of invention, Applicants have enclosed herewith the Declarations of all five inventors. Namely, Declarations of Kevin Curtis Griffin, Scott Dennis Helt, Michael James McDermott, Glen W. Nelson, and Mark Philip Piazza, are submitted in accordance with 37 C.F.R. § 1.131 and establish a date of invention that is prior to the filing date of October 28, 2003 for the Burton reference.

More particularly, the enclosed Declarations establish prior conception, diligence and reduction to practice on the part of the inventors prior to the effective filing date of the Burton reference. As such, the Burton reference does not qualify as prior art under 35 U.S.C. § 102(e). Given that all of the Examiner's rejections depend at least in part on the Burton reference, Applicants respectfully submit that all of the Examiner's rejections should be withdrawn. Moreover, as the Examiner has cited no other references purporting to disclose or suggest the subject matter relied upon in the Burton reference in rejecting the claimed invention, Applicants submit that all claims are now in condition for allowance.

In addition, with respect to dependent claims 10-11, 15 and 27-28, which are rejected on the combination of Burton and Souder, Applicants additionally traverse the Examiner's rejections on the basis that, even if Burton were prior art against the instant Application, the combination of these references would still fail to render these claims obvious.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

May 15, 2006
Date

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